



Carver County Board of Commissioners
 May 17, 2016
 Regular Session
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

PAGE

4:00 p.m.	1.	a) CONVENE b) Pledge of allegiance c) Public comments (limited to five minutes - Anyone wishing to address the Board of Commissioners on an item not on the agenda may come forward at this time. Please limit your comments to five minutes. d) New Employee Introductions 1-2	
	2.	Agenda review and adoption	
	3.	Approve minutes of May 3, 2016 Regular Session	3-8
	4.	Community Announcements	
4:05 p.m.	5.	CONSENT AGENDA <i>Communities: Create and maintain safe, healthy and livable communities</i> 5.1 Agricultural Best Management Practices Loan Program 9-11 5.2 Cracksealing contracted services for Public Works- Operations 12 5.3 Support of FY 2018 Metro District Municipal Agreement Program Grant Request 13-15 5.4 Request for two (2) temporary Social Worker II positions to cover staff leaves of absence. 16 <i>Culture: Provide organizational culture fostering accountability to achieve goals and sustain public trust/confidence in County government</i> 5.5 Request for approval to contract with Scott County 17 <i>Growth: Manage the challenges and opportunities resulting from growth and development</i> 5.6 Minnesota Solar, LLC - Community Solar Garden 18-21 <i>Finances: Improve the County's financial health and economic profile</i> 5.7 Review Social Services/Commissioners Warrants NO ATT	
4:05 p.m.	6.	CULTURE: Provide organizational culture fostering accountability to achieve goals and sustain public trust/confidence in County government 6.1 PEER Award Recognition 22	
4:25 p.m.		RECESS AS COUNTY BOARD AND CONVENE AS CARVER COUNTY REGIONAL RAIL AUTHORITY	
4:30 p.m.	7.	COMMUNITIES: Create and maintain safe, healthy and livable communities 7.1 Consent to Assignment of Sewer Pipe Easement 23	

**ADJOURN AS CARVER COUNTY REGIONAL RAIL AUTHORITY AND
RECONVENE AS CARVER COUNTY BOARD**

- 4:35 p.m. **8. COMMUNITIES: Create and maintain safe, healthy and livable communities**
- 8.1 Resolution to Continue TMDL Priority Sub-Watersheds and Direct Discharge Program for 2016..... 24-30
 - 8.2 Well Sealing Cost-Share Program..... 31-33

4:50 p.m. **ADJOURN REGULAR SESSION**

- 4:50 p.m. **BOARD REPORTS**
- 1. Chair
 - 2. Board Members
 - 3. Administrator
 - 4. Adjourn

David Hemze
County Administrator

UPCOMING MEETINGS

May 24, 2016	Work Session Rescheduled to Following Week
May 31, 2016	9:00 a.m. Work Session
June 7, 2016	9:00 Board Meeting
June 14, 2016	No Meeting
June 20, 2016	5:00 p.m. Board of Equalization Meeting
June 21, 2016	4:00 p.m. Board Meeting

Carver County Board of Commissioners Request for Board Action



Agenda Item:

New Employee - Jim Kuchelmeister

Primary Originating Division/Dept: <input type="text" value="Public Services"/>	Meeting Date: <input type="text" value="5/17/2016"/>
Contact: <input type="text" value="Nick Kuktavy"/> Title: <input type="text"/>	Item Type: <input type="text" value="New Employee Intro"/>
Amount of Time Requested: <input type="text" value="5"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text" value="Nick Kuktavy"/> Title: <input type="text" value="Deputy Director of Public Service"/>	
Strategic Initiative: <input type="text" value="Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government"/>	

BACKGROUND/JUSTIFICATION:

On April 18, Jim Kuchelmeister started his new position as the Facilities Department Manager for Carver County. Jim has over 15 years of facilities management experience. Most recently, he was the facilities manager for Spire Credit Union, overseeing 18 properties, including office space and retail banking facilities. Prior to working in the facilities profession, Jim served in the United States Air Force.

ACTION REQUESTED:

Please welcome Jim Kuchelmeister to the Carver County team.

FISCAL IMPACT: <input type="text" value="None"/> <i>If "Other", specify:</i> <input type="text"/>	FUNDING County Dollars = <input type="text"/> <input type="text"/> Total <input type="text" value="\$0.00"/> <input checked="" type="checkbox"/> Insert additional funding source
FTE IMPACT: <input type="text" value="None"/>	

Related Financial/FTE Comments:

Office use only:

RBA 2016- 3945

Carver County Board of Commissioners Request for Board Action



Agenda Item:

New Employee in IT - Julie Gerdts

Primary Originating Division/Dept: <input type="text" value="Public Services - IT"/>	Meeting Date: <input type="text" value="5/17/2016"/>
Contact: <input type="text" value="Melissa Reeder"/> Title: <input type="text" value="Information Technology Director"/>	Item Type: <input type="text" value="New Employee Intro"/>
Amount of Time Requested: <input type="text" value="5"/> minutes Presenter: <input type="text" value="Melissa Reeder"/> Title: <input type="text" value="Information Technology Director"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government"/>	

BACKGROUND/JUSTIFICATION:

Julie Gerdts is the new IT Service Desk Dispatcher in the IT Department's Infrastructure unit. We will introduce Julie Gerdts to the Board and public.

ACTION REQUESTED:

Please welcome Julie Gerdts to Carver County's team.

FISCAL IMPACT: <input type="text" value="None"/> <i>If "Other", specify:</i> <input type="text"/>	FUNDING County Dollars = <input type="text"/> <input type="text"/> Total <input type="text" value="\$0.00"/> <input checked="" type="checkbox"/> Insert additional funding source
FTE IMPACT: <input type="text" value="None"/>	

Related Financial/FTE Comments:

Office use only:

RBA 2016- 3951

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on May 3, 2016. Chair James Ische convened the session at 9:00 a.m.

Members present: James Ische, Chair, Gayle Degler, Vice Chair, Tim Lynch, Randy Maluchnik and Tom Workman.

Members absent: None.

Under public comments, Karen Johnson Leuthner, 15735 38th Street, Mayer, explained a year ago she brought up concerns related to a property purchased by the County from a willing seller. She stated there were many rumors and questioned why there were no Public Works trucks located there. She noted the additional costs for the site and inquired what was occurring at the site. David Hemze, Administrator, clarified they are working on the architectural plans and that will come back before the Board. Ms. Johnson Leuthner requested that the Administrator and County Attorney get back to her.

Degler moved, Lynch seconded, to approve the agenda. Motion carried unanimously.

Workman moved, Maluchnik seconded, to approve the minutes of the April 19, 2016, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

Maluchnik moved, Degler seconded, to approve the following consent agenda items:

Approved charitable gambling license to Zoar United Church of Christ for a raffle to be held on October 15, 2016.

Approved the one day to four day temporary on-sale liquor license application for Augusta Ball Club, Inc., for June 2, 3, 4 and 5, 2016.

Authorized the issuance of a Certificate of Zoning Compliance for the Lola's Lake Waconia Half-Marathon, two person Half Marathon Relay, 10-Mile and 5K event.

Adopted Findings of Fact and issued Order PZ20160016 for the issuance of an Interim Use Permit, Curtiss and Cindy Ladd, Camden Township.

Authorized the issuance of a Certificate of Zoning Compliance for the May 22, 2016, St. Peter Lutheran Church Miafest celebration.

Adopted Findings of Fact and issued Order #PZ00160014 for issuance of Conditional Use Permit, Justin Goche, Benton Township.

Contract with Electrical Production Services pending finalization of the contract review process and related budget amendment.

Approved the updated 2016 rates for seasonal, temporary and on-call positons.

Amendment to the High Line contract in the amount of \$203,965 for one-time licensing fees and related Employee Relations budget amendment.

Acknowledged Carver County's successful completion of pay equity testing and compliance for the 2016 pay equity report.

Approved the following abatements:

30.9510315	Amy Ann Lee-Jones
25.2000540	Loel Brown
85.0500710	Jordan Lemmerman
30.4450100	Mark Larson
25.5320640	Stacy Semler
65.5580050	Adam Johnson
75.3130920	Reed Winter
20.2400220	Alice Evans

Reviewed April 26, 2016, Community Social Services' actions/Commissioners' warrants in the amount of \$300,535.55 and reviewed May 3, 2016, Community Social Services' actions/Commissioners' warrants in the amount of \$539,381.27.

Motion carried unanimously.

Steve Just, Public Services, requested the Board approve the Carver County Historical Society's request for a conditional use permit for the Andrew Peterson farmstead. He stated the ongoing operations would include educational activities, tours and occasional events. Just noted both Laketown Township and the Planning Commission recommended approval.

Wendy Peterson Biorn, Historical Society Director, highlighted the logo that was designed. She stated their number one priority was infrastructure. She explained proposed changes and the progress made to date. She pointed out the archaeological studies that need to be done and highlighted the use of augmented reality for the future. Peterson Biorn noted the dedication to be held in May and the grand opening for the public next year.

Maluchnik moved, Workman seconded, to adopt the Findings of Fact and issue Order #PZ20160013 for the issuance of Conditional Use Permit #PZ20160013, Carver County Historical Society, Laketown Township. Motion carried unanimously.

Just appeared before the Board regarding Minnesota Solar's conditional use permit in Hollywood Township. He stated this was part of Xcel Energy's Community Solar garden program established by the State and is being considered under the Renewable Energy and Essential Services Sections of the County Zoning Code.

He stated the Planning Commission recommended denial and the Findings cited by the Planning Commission included that it is incompatible with the rural neighborhood, the number of homes in the immediate neighborhood and conflicts with the 2030 comp plan with much of the land being prime ag land. He stated the Hollywood Township Board submitted a letter outlining their reasons for denial.

Reed Richerson, representing Minnesota Solar, noted the three recommendation letters received from the township over the last several months. He referenced the Township's concerns and indicated they were able to develop additional plans and details. He stated through the process he felt they were able to address those concerns.

He acknowledged the concern related to the potential impact to surrounding property values and referenced a study they provided for a similar area that evidenced no decline was present. He reviewed the filters that needed to be applied on where these can be placed and the large amount of land in ag preserve in the County that limits the available acres. Richerson highlighted language in the Zoning Ordinance and Comp Plan related to the solar access policy. He suggested the recommendation to reject was difficult to legally sustain and concluded their application complies with all of the requirements of the zoning ordinance.

Karen Johnson Leuthner, inquired if Mr. Richerson had spoken with McLeod Power yet. Richerson stated they did talk to McLeod Power related to another project but this site had nothing to do with McLeod Power. She referenced a Star Tribune article and questioned why solar gardens in Carver County are put on a lottery. Richerson noted the City of Robbinsdale, and other entities, have a plan to subscribe to various solar gardens from various developers. He noted these credits can be subscribed by anyone within Carver County and adjacent Counties as long as they are in the Xcel service territory.

Johnson Leuthner stated there were a number of LLCs involved and one of the emergency contacts was located in Canada if something should occur. She believed that the fire departments had not been contacted and suggested no one would be able to touch the site because it is fenced. She stated she was from Hollywood Township and wanted this denied. Johnson Leuthner stressed farm fields were in jeopardy and questioned putting something in for 25 years that someone has to live next to.

Richerson responded their operations contact lives in Minneapolis and, as part of the construction project, all appropriate authorities have an access plan in the event of an emergency.

Patrick Neaton, Esq. explained he was the attorney for Tom and Linda Schmidt, Bruce and Helen Johnson and Todd and Betty Jopp, and was there in opposition to the application. He stated specifically this was the wrong location for this type of facility.

He suggested the application was deficient in that it did not address the neighboring properties that have to be considered in a CUP. Neaton pointed out the number of homes located in the area. He explained the Town Board found in their denial that the area had a high density of homes and, he submitted, a higher density of residences than any area of Hollywood Township and most of rural Carver County. He stated both the Town Board and Planning Commission recommended denial and this Board should do the same.

Neaton noted the Board's previous denial of a CUP request for a solar garden located in Watertown Township. He suggested this site would have a larger impact than the previous one that was denied. He stated this solar garden project would dominate the landscape and his clients are concerned on what that would do to their property values.

He pointed out the Watertown site was in a transition area anticipating development and this site already has a residential development. Neaton suggested the same negative impacts that existed in the Watertown already site exists here. He highlighted the specific language included in the findings related to the Watertown site and stressed the same was true with this application. He pointed out the required findings under Ordinance 152.251 (I) that "The use or development is compatible with the land uses in the neighborhood" and stated it would be impossible to make that finding with respect to this facility.

Neaton understood a letter from Attorney Paulson was sent to the Board and stated a study financed by the industry can be countered by specific appraisals. He indicated it was up to the applicant to prove there is no negative impact and the applicant has not done that. Neaton stated there have to be better sites than putting this facility than where it is proposed. He pointed out the Town Board stated in their denial letter that there were other more appropriate parcels where this might fit. Neaton stated they agreed with that and recommended the Board deny.

Larry Hoeft, 5980 Tacoma Avenue, raised his concerns on stray voltage. He pointed out many solar companies file bankruptcy and questioned who would monitor if that should occur. He shared information he received that stray voltage affects humans worse than it affects animals and recommended denial.

Tom Schmidt stated he has resided in the County for many years and chose this area because it was both rural and there were a large number of homes in the area. He explained the ballpark that was created in this immediate area and, because of the high concentration of homes, they have had 50 area kids in the past using the ballpark. He stated the applicant has not demonstrated that a solar garden was compatible with the area and this was not addressed in their application. He referenced his real estate experience and stated properties in close proximity would see negative impacts.

Schmidt stated an aerial photo would show 16 homes in the area. He stated if the County were to allow this with the high concentration of residential homes, it would be giving up its right to dictate where these projects are located in the future. He indicated they would be at the end of the line and they would be more likely to have stray voltage issues. Schmidt stated there had not been one

impartial party that supported this project. He stressed they believed this was the wrong location and Minnesota Solar should find an alternate site. On behalf of the surrounding neighbors, he respectfully asked that the County Board vote to deny the application.

Bruce Johnson, 17820 53rd Street, New Germany, noted after three months of meetings related to this project they are at the end and thanked the Hollywood Town Board and the Planning Commission for listening to countless hours of testimony. He shared an aerial photo of the site and identified the specific area where the project would be located.

Kathy Anderson, Hollywood Township, stated she had been to a number of township and public hearings and, noting the information included in the packet, inquired if the Board planned to vote today. Chair Ische clarified the Board could either decide today or, if Board members had additional questions, could decide at the next meeting. She noted that additional people may have attended if there would have been a vote today. Anderson inquired if the Board had seen the minutes from the last Planning Commission and they indicated they had. She noted the letter the Board received from Minnesota Solar's Attorney was public and requested a copy.

She stated she felt there were two sets of understanding of what is happening. Anderson noted Richerson's listing of filters when locating solar gardens and the limited availability of land and questioned why he thinks he gets to be here. She noted the Legislature's mandate to publicly traded utility companies to get 1.5% from solar energy but the Legislature did not mandate the Carver County do anything or that it has to come from Carver County.

Anderson questioned if Minnesota Solar found the only place to put this was on prime ag land why they made an application. She stated this was not a good place to be trying to put up acres and acres of panels. She stressed that no one was opposed to solar and 90% of Hollywood Township was with McLeod Power, with very few residents being able to subscribe to this. Anderson questioned, if they were looking at being conservationists, why they would be placing panels for solar energy on prime ag land. Anderson pointed out language included in the ordinance that the applicant needs to prove why that location was essential to perform that function. She stated the applicant has not proven that the location is essential to generate solar power to feed into the grid.

She explained with the plan that Xcel put together to accomplish 1.5% they had to offer community solar gardens, defined as 1 megawatt. Anderson indicated this is a colocation of three community solar gardens and since September, 2015, they can no longer apply for this. She noted the items they must find to grant a CUP and pointed out one of them is that it has to comply with the comp plan. She stated this does not. Anderson stressed you cannot mitigate prime ag land, this does not belong there and the Board needs to deny this.

Hemze clarified staff was looking for direction today and a motion to draft an order would make that clear. He suggested, depending upon the vote and if the vote was unanimous, they could put this on the Board's consent agenda for May 17th

REGULAR SESSION
May 3, 2016

Lynch moved, Maluchnik seconded, to direct staff prepare an order for denial based on the Planning Commission recommendation and the testimony received. Motion carried unanimously.

Hemze clarified he would place this on the consent agenda for the May 17th meeting at 4:00 p.m.

Lynch moved, Workman seconded, to adjourn the Regular Session at 10:30 a.m. Motion carried unanimously.

David Hemze
County Administrator

(These proceedings contain summaries of resolutions/claims reviewed. The full text of the resolutions and claims reviewed are available for public inspection in the office of the county administrator.)

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Agricultural Best Management Practices Loan Program

Primary Originating Division/Dept: <input style="width: 90%;" type="text" value="Public Services - Environ. Svc."/>	Meeting Date: <input style="width: 80%;" type="text" value="5/17/2016"/>
Contact: <input style="width: 30%;" type="text" value="Joe Enfield"/> Title: <input style="width: 30%;" type="text" value="Interim Manager, Environmenta"/>	Item Type: <input style="width: 80%;" type="text" value="Consent"/>
Amount of Time Requested: <input style="width: 20%;" type="text"/> minutes Presenter: <input style="width: 30%;" type="text"/> Title: <input style="width: 30%;" type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input style="width: 95%;" type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

The Environmental Services Department has offered a low-interest loan program through the Minnesota Department of Agriculture (MDA) Best Management Practices Loan Program (AgBMP) since 1998. The County has been able to use these funds to prevent or mitigate adverse, or harmful, environmental impacts, primarily through Subsurface Sewage (septic) Treatment System (SSTS) replacements. An authorized representative is required to sign all contracts and amendments for this program. Mike Lein is listed as the current authorized representative and has since retired. The County must designate a new representative. Rather than authorizing a specific person, the staff recommends that the Board name a position in the appointing resolution. The staff recommends that the Board appoint the Environmental Services Department Manager as the authorized representative.

ACTION REQUESTED:

Motion to approve the proposed resolution designating the Environmental Services Department Manager as the Authorized Representative for the AgBMP Loan Program and granting the authority to sign relevant AgBMP Loan Program correspondence and documents.

FISCAL IMPACT: <input style="width: 90%;" type="text" value="None"/> <i>If "Other", specify:</i> <input style="width: 90%;" type="text"/>	FUNDING County Dollars = <input style="width: 80%;" type="text"/> <input style="width: 80%;" type="text"/> Total <input style="width: 80%;" type="text" value="\$0.00"/> <input type="checkbox"/> Insert additional funding source
FTE IMPACT: <input style="width: 90%;" type="text" value="None"/>	

Related Financial/FTE Comments:

Office use only:

RBA 2016- 3928



BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: _____

Resolution No.: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Whereas the Minnesota Department of Agriculture has made low interest loan funds available to counties, Soil and Water Conservation Districts, and Joint Powers Organizations through the Agricultural Best Management Loan Program (Minn. Stat. § 17.117); and

Whereas the Carver County Board of Commissioners has identified a need for low-interest loan funds to encourage agricultural best management practices, repair of individual sewage treatment systems, sealing of abandoned wells, and implementation of other practices that prevent or mitigate adverse environment impacts; and

Whereas many agricultural best management practices, repair of individual sewage treatment systems, sealing of abandoned wells and implementation of other best management practices are identified in the Comprehensive Local Water Plan and other planning documents as priorities;

Now, Therefore, be it Resolved, that Carver County Board of Commissioners designates the Environmental Services Department Manager as the Carver County Authorized Representative for the Agricultural Best Management Practices Loan Program and grants him/her the authority to sign all related correspondence and documents to implement and carry out this loan program on behalf of Carver County; and,

Be it Further Resolved, that the Authorized Representative may designate a subsequent Authorized Representative when s/he is unavailable; and,

Be it Further Resolved, that all prior designations of the authorized representative by Carver County for the Agricultural Best Management Practices Loan Program are hereby rescinded.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the ___ day of April, 2016, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Cracksealing contracted services for Public Works- Operations

Primary Originating Division/Dept: <input type="text" value="Public Works - Operations"/>	Meeting Date: <input type="text" value="5/17/2016"/>
Contact: <input type="text" value="Michael Legg"/> Title: <input type="text" value="Operations Manager"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

Cracksealing has been proven to be one of the best maintenance practices for pavement preservation. Public Works looks to seal and reseal 30 to 40 miles of roadway each year. With the amount of work the Operations staff has on the schedule for the 2016 summer and the amount of staff needed for a crew to do cracksealing, we are looking to contract out some of the cracksealing work for 2016. This contract is for 14.94 miles of roadway in the western half of Carver County, specifically County State Aid Highways 30, 33, and 50. The contractor will provide for their own traffic control and labor and Carver County will provide the material and an inspector to the crew.

Carver County requested and received 4 quotes from contractors and have selected Precision Sealcoating Inc. of Princeton, MN.

ACTION REQUESTED:

Approve a contract with Precision Sealcoating Inc. for 2016 cracksealing services subject to final contract review.

FISCAL IMPACT: <input type="text" value="Included in current budget"/> <i>If "Other", specify:</i> <input type="text"/>	FUNDING County Dollars = <input type="text" value="\$40,000.00"/> <input type="text"/> <input type="text"/> Total <input type="text" value="\$40,000.00"/> <input checked="" type="checkbox"/> Insert additional funding source
FTE IMPACT: <input type="text" value="None"/>	

Related Financial/FTE Comments:

Office use only:

RBA 2016 - 3939

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Support of FY 2018 Metro District Municipal Agreement Program Grant Request

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="5/17/2016"/>
Contact: <input type="text" value="Darin Mielke"/> Title: <input type="text" value="Asst. PW Director"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

The Municipal Agreement Program is administered by the Minnesota Department of Transportation (MnDOT), which makes available up to \$710,000 to apply towards an individual project that provides a clear benefit to the truck highway system as well as the local community. Carver County Public Works is proposing to take the lead on the project application to retrofit 12 signalized intersections along the US 212 freeway corridor with flashing yellow arrows for left turn lanes due to numerous public requests to make this improvement to the traffic signals. MnDOT does not have this work planned or programmed for the foreseeable future until the signal systems need substantial rehabilitation, however MnDOT is supportive of the County's application for the project. The proposed project extent is from the CSAH 11 interchange on the west end to the CSAH 101 interchange on the east end. The project will also include interconnected traffic signals at the CSAH 18 (Lyman Blvd)/CSAH 101 (Great Plains Blvd.) intersection and the TH 41/Canyon Road (Park and Ride) intersection. The intersection of TH 41/Hundertmark Road is not included since this traffic signal will be modified with the upcoming TH 41 Reconstruction Project in 2018. The estimated cost is still being refined at this point in time and future negotiations need to occur with the City of Chaska, City of Chanhassen and MnDOT on the cost sharing of the project costs, if the project is successful with this application.

ACTION REQUESTED:

Approve a resolution supporting the Metro Municipal Agreement Program Grant Application for the Highway 212 Flashing Yellow Arrow Retrofit in the cities of Carver, Chaska and Chanhassen.

FISCAL IMPACT: <input type="text" value="None"/> <i>If "Other", specify:</i> <input type="text"/>	FUNDING <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">County Dollars =</td> <td style="text-align: right;">\$127,500.00</td> </tr> <tr> <td>MnDOT Grant Funds</td> <td style="text-align: right;">\$210,000.00</td> </tr> <tr> <td>City of Chaska</td> <td style="text-align: right;">\$15,000.00</td> </tr> <tr> <td>City of Chanhassen</td> <td style="text-align: right;">\$7,500.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$360,000.00</td> </tr> </table> <input type="button" value="Insert additional funding source"/>	County Dollars =	\$127,500.00	MnDOT Grant Funds	\$210,000.00	City of Chaska	\$15,000.00	City of Chanhassen	\$7,500.00	Total	\$360,000.00
County Dollars =	\$127,500.00										
MnDOT Grant Funds	\$210,000.00										
City of Chaska	\$15,000.00										
City of Chanhassen	\$7,500.00										
Total	\$360,000.00										
FTE IMPACT: <input type="text" value="None"/>											

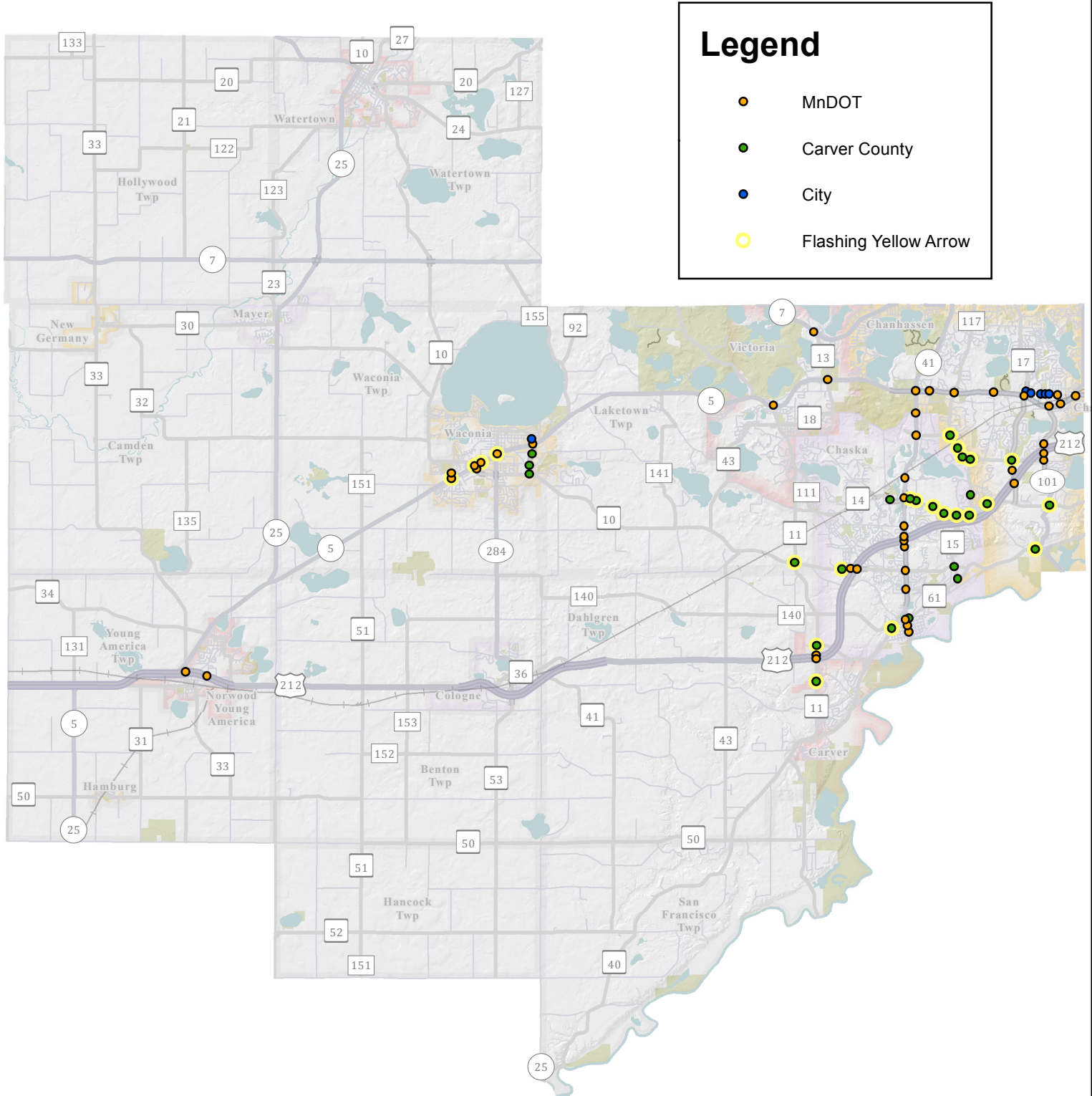
Related Financial/FTE Comments:

The funding costs are planning level estimates and based on US 212 ramps with CSAH routes are at a 50% MnDOT funding eligibility.

Office use only:

RBA 2016 - 3949

Carver County Signals Jurisdiction and Flashing Yellow Arrows



This map was created using a compilation of information and data from various City, County, State, and Federal offices. It is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.



Public Works Division
11360 Hwy 212, Suite 1
Cologne, MN 55322
(952) 466-5200

Created: 4/15/2016

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Request for two (2) temporary Social Worker II positions to cover staff leaves of absence.

Primary Originating Division/Dept: <input type="text" value="Health & Human Services"/>	Meeting Date: <input type="text" value="5/17/2016"/>
Contact: <input type="text" value="Rod Franks"/> Title: <input type="text" value="Health and Human Services Dir"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

The Child and Family Department will have two full time Child Protection Social Worker II taking family leave. The granted leaves are for approximately a three (3) month period. This period of time can be covered by temporary employees. The temporary employees needed to cover these leaves of absence have been identified and have agreed to work in this capacity. The identified temporary staff have prior experience with our agency, and will be able to effectively assume the duties of the staff on leave. Filling these positions on a temporary basis is critical to maintaining safety and progress on the affected caseloads.

The cost of the temporary positions will be funded through utilizing excess vacancy and turnover savings. No additional levy dollars will be used to fund these temporary positions.

ACTION REQUESTED:

Motion to approve utilizing vacancy and turnover savings to fund two (2) temporary Social Worker II positions.

FISCAL IMPACT: <input type="text" value="Included in current budget"/> If "Other", specify: <input type="text"/>	FUNDING <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">County Dollars =</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>vacancy savings</td> <td style="text-align: right;">\$23,176.00</td> </tr> <tr> <td>Federal Financial Particip:</td> <td style="text-align: right;">\$2,016.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$25,192.00</td> </tr> </table> <input type="checkbox"/> Insert additional funding source	County Dollars =	\$0.00	vacancy savings	\$23,176.00	Federal Financial Particip:	\$2,016.00	Total	\$25,192.00
County Dollars =	\$0.00								
vacancy savings	\$23,176.00								
Federal Financial Particip:	\$2,016.00								
Total	\$25,192.00								
FTE IMPACT: <input type="text" value="None"/>									

Related Financial/FTE Comments:

Office use only:

RBA 2016 - 3953

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Request for approval to contract with Scott County

Primary Originating Division/Dept: Sheriff <input type="text"/>	Meeting Date: 5/17/2016 <input type="text"/>
Contact: Commander Reed Ashpole Title: Commander of Jail and Adminis	Item Type: Consent <input type="text"/>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	
Strategic Initiative: Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government <input type="text"/>	

BACKGROUND/JUSTIFICATION:

Carver County shall make one bed, per day, available at JDC to house a juvenile from Scott.

ACTION REQUESTED:

Motion to contract with Scott County pending finalization of the contract review process.

FISCAL IMPACT: Included in current budget <input type="text"/> If "Other", specify: <input type="text"/>	FUNDING County Dollars = <input type="text"/> <input type="text"/> <input type="text"/> Total \$0.00
FTE IMPACT: None <input type="text"/>	<input checked="" type="checkbox"/> Insert additional funding source

Related Financial/FTE Comments:

The County shall be paid at a rate equivalent to housing one juvenile per day from Scott County. This rate equates to \$120.00 per day.

Office use only:

RBA 2016 - 3961

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Minnesota Solar, LLC - Community Solar Garden

Primary Originating Division/Dept: <input style="width: 90%;" type="text" value="Public Services - Land Mgmt."/>	Meeting Date: <input style="width: 80%;" type="text" value="5/17/2016"/>
Contact: <input style="width: 60%;" type="text" value="Steve Just"/> Title: <input style="width: 40%;" type="text" value="Dept. Manager"/>	Item Type: <input style="width: 80%;" type="text" value="Consent"/>
Amount of Time Requested: <input style="width: 20%;" type="text"/> minutes Presenter: <input style="width: 60%;" type="text"/> Title: <input style="width: 40%;" type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input style="width: 98%;" type="text" value="Growth: Manage the challenges and opportunities resulting from growth and development"/>	

BACKGROUND/JUSTIFICATION:

File #PZ20160003. The Planning Commission recommended denial of Minnesota Solar, LLC's request for a Community Solar Garden (CSG) of up to 3 megawatts (MW), as an Essential Services Conditional Use Permit (CUP), at a site located in Section 29 of Hollywood Township (Hwy7).

Findings for denial include the following: the proposed land use would be incompatible with the rural neighborhood (16 homes nearby); it would conflict with the 2030 Comprehensive Plan by using very good prime agricultural land; there would be a potential for negative impacts on neighboring property values; and the Hollywood Town Board has recommended denial of the request in support of the neighboring property owners.

Pursuant to the Board's direction in its May 3, 2016 meeting, the staff has prepared an Order for denial, attached.

ACTION REQUESTED:

A motion to adopt the Findings of Fact and issue Order #PZ20160003 for the denial of the Conditional Use Permit.

FISCAL IMPACT: <input style="width: 90%;" type="text" value="None"/> <i>If "Other", specify:</i> <input style="width: 90%;" type="text"/>	FUNDING County Dollars = <input style="width: 80%;" type="text"/> <input style="width: 80%;" type="text"/> Total <input style="width: 80%;" type="text" value="\$0.00"/>
FTE IMPACT: <input style="width: 90%;" type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2016 - 3948

**COUNTY OF CARVER
BOARD OF COMMISSIONERS**

**AN ORDER FINDING CERTAIN FACTS AND ORDERING
THE DENIAL OF A CONDITIONAL USE PERMIT**

DATE: May 17, 2016

ORDER #: PZ20160003

FILE #: PZ20160003

APPLICANT: Gerardo Ruiz (on behalf of Minnesota Solar LLC)

OWNER: Lowell H. Baker (Howard Schwimmer - Trustee)

SITE ADDRESS: 17890 Hwy 7 New Germany 55367

PERMIT TYPE: Essential Service – Solar Energy

PURSUANT TO: County Code, Section 152.039 B 2(b),
Section 152.050 and 152.052

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 06-029-1800

A public hearing was held on this matter on February 16, 2016, March 15, 2016, and April 19, 2016, by the Carver County Planning Commission, and the recommendation of the Planning Commission was duly considered in the issuance of this order.

FINDINGS OF FACT

1. The subject property (approximately 20.8 acres) is owned by Lowell Baker and is located in the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 29, Hollywood Township. The subject parcel consists of agricultural production land and is located in the Agricultural Zoning District and the CCWMO (Crow River watershed).
2. The Planning Commission continued the public hearing from the February 16, 2016 meeting to the March 15, 2016 meeting, and again from the March 15, 2016 meeting to the April 19, 2016 meeting, to allow for additional review and discussion regarding, but not limited to, compatibility with the neighborhood, screening, stray voltage, drainage, etc. A “60 Day Law” letter was sent to the applicant on March 9, 2016, extending the deadline for a final decision until May 24, 2016.
3. The applicant, Minnesota Solar LLC, is requesting to construct, operate (owned or leased) and maintain up to a three (3) Mega-Watt (MW) Community Solar Garden (CSG) as an Essential Service - Conditional Use Permit (CUP) on the subject parcel. Minnesota Solar, LLC is a Minnesota company with two partners in joint venture: US Solar Corporation and Potentia Solar. The request is being proposed as part of Xcel Energy’s Community Solar Garden program, which was established by the State of Minnesota in 2013. The energy contract with Xcel Energy for this program is for a minimum of 25 years. The applicant is requesting approval of the CUP pursuant to Section 152.039 (B)(2)(b) of the Carver County Zoning Code allowing for Renewable Energy as a CUP, Section 152.050 addressing the scope of allowable Essential Services, and Section 152.052 addressing Essential Service CUP requirements.
4. The Minnesota Solar, LLC request is considered a Large Solar Energy System (SES) based on the fact that the current (DC) rate capacity exceeds 100 kilowatts and will produce energy which would be added to Xcel Energy’s existing grid system. Therefore, a CUP is required pursuant to Section 152.039 and 152.052 of the Zoning Code.
5. Minnesota Solar, LLC stated that they selected the subject property because of its solar resource, physical characteristics, proximity to the existing electrical infrastructure/distribution lines and willing property owner. The property owner and applicant supplied their Memorandum of Real Estate Purchase Option Agreement and were working on a long term lease agreement as part of the operational plan. The project has been submitted into Xcel Energy’s CSG program.

6. The applicant's operational plan explains the request to develop and install a Community Solar Garden (CSG) with up to a 3 Megawatt capacity. The garden would consist of approximately 13,068 solar modules (panels), each approximately 3½ x 6½ feet in size. The modules are mounted on a fixed racking system and may reach a maximum height of approximately 15 feet above grade and the lowest height of approximately 7 feet. There would also be 3 inverters and 1 billing meter pad. Electrical lines would run underground to the inverters and/or meter pad. Utility construction (utility power line installation) would occur in the general area of the proposed interconnection location at the southeast corner of the operational area. According to the applicant, the existing topography would be suitable for the project.
7. The solar garden site would operate 24 hours a day, 365 days a year (for 25 years) after construction has been completed. During construction, operating hours would be between sunrise and sunset and would most likely occur during non-winter months; however, construction activity may occur during the winter months depending on weather. After construction, there would be limited traffic reporting to the site. In addition to mowing or vegetation management, technician crews would report to the site (as necessary) to do equipment checks and provide routine site maintenance. A crew of workers may report to the site annually to complete cleaning of the panels as needed. All other site operations (energy productivity) would be done remotely by using either radio transmission, satellite or some other means to be determined and approved by Xcel Energy.
8. The applicant would utilize an existing field approach on Highway 7 to access the site. The Minnesota Department of Transportation (MNDOT) is the road authority.
9. The applicant proposed a 7-foot chain link fence (without barb wire) around the entire operational area for security/safety reasons. They proposed to utilize a natural screening, landscaping plan to be located along the east, south and west (south half) sides of the project areas. The anticipated height of the screening would be 8 feet; however, the solar array modules would be extended to a height of 15 feet.
10. The applicant would need to comply with the Carver County Planning and Water Management Department (CCWMO) and Carver Soil & Water Conservation District (SWCD) standards with respect to the County Water Rules (Chapter 153), and for site stabilization requirements and Best Management Practices (BMP's). The Carver County Water Management Organization (CCWMO) would require compliance with any/all applicable permitting requirements.
11. Testimony was received at the March 15, 2016 and April 19, 2016 Planning Commission meetings, and comments were received at the Board of Commissioners' meeting on May 3, 2016, from the general public, the attorney for neighbors, and several neighboring landowners urging **denial** of the conditional use due to incompatibility of the proposed use with the 2030 Comprehensive Plan, agricultural preservation policies, potential for negative impacts on property values, and incompatibility with the existing residential neighborhood (16 homes nearby).
12. The Hollywood Town Board reviewed the request during their April 11, 2016, Town Board meeting and provided a written recommendation (dated: April 12, 2016). The Town Board recommended **denial** of the CUP (Renewable Energy – Solar Site) based on the written and public testimony from the Hollywood Township citizens and neighboring residents. The Town Board opposes this request and recommended denial for the following reasons:
 - A. Incompatibility with the neighborhood.
 - B. Neighborhood concerns with solar array setbacks provided on the site plan.
 - C. Limited Landscape Plan.
 - D. Hollywood Township Chapter of the 2030 Comprehensive Plan (Agricultural primary use).
 - E. Lack of interconnection details.

13. The Board of Commissioners finds that the applicant has not adequately addressed the following:
- A. **Section 152.050 Scope (Essential Services) states:** *The land use, being necessary for the public health, safety, and welfare, and serving a public good, may be located in any area where it is essential to perform their function; however, the applicant must demonstrate that the location is essential to perform their function and an appropriate siting process has been utilized.* The applicant is on record stating that they selected the subject property because of its solar resource, physical characteristics, proximity to the existing electrical infrastructure/distribution lines and willing property owner. However, no reference has been made as to how the siting process was conducted with regard to the consideration of the existing residential neighborhood, and the use of very good prime agricultural production land. Furthermore, the Planning Commission and Board of Commissioners have concerns that the request may be injurious to the use and enjoyment of other properties in the immediate vicinity for purposes already permitted.
 - B. Conformity with the Carver County 2030 Comprehensive Plan:
County Policy LU-19A Essential Services and Public Services (Agricultural Policy Areas: Other land Uses) states: *Essential Services may be located in any area where it is essential to perform their function, provided an appropriate siting process is utilized in locating a site.* The goal of the agricultural community is to provide for long term agricultural activities, while limiting the use of prime agricultural land for other uses. The Hollywood Town Board has provided testimony and written statements that the proposed land use would create conflicts with the Hollywood Chapter of the 2030 Comprehensive Plan and the occupants of the immediate residential neighborhood. The applicant has not shown that this area is essential to perform their function, nor have they adequately presented their siting process.
14. Pursuant to Section 152.251 REQUIRED FINDINGS of the Carver County Zoning Code, an order for the issuance of a CUP or IUP can be adopted only if all ten (10) Findings of Fact (A-J) can be found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings. The request does not meet the required Findings of Fact pursuant to Section 152.251 (H)(I) as follows:
- (H) ***The use or development conforms to the County Comprehensive Plan.***
 - 1. Based on public testimony from neighboring property owners and the Hollywood Town Board, and the written recommendations from Hollywood Township, dated April 12, 2016, the effects of the proposed use will further impede the primary land use and economic base of the Township. The testimony and written statements also support that the proposed use would create conflicts with the Hollywood Township Chapter of the 2030 Comprehensive Plan by utilizing very good prime agricultural land, and would conflict with the immediate residential neighborhood.
 - (I) ***The use or development is compatible with the land uses in the neighborhood.***
 - 1. Based on public testimony during the public hearing process, and comments received at the Board of Commissioners' meeting on May 3, 2016, the proposed use may have a negative impact on neighboring property values. Testimony was received from the general public, the attorney for neighbors, and several neighboring landowners regarding their concerns about the potential for negative impacts on values and incompatibility with the neighborhood.
 - 2. The proposed use would not be compatible with the existing character of the neighborhood because there are 16 homes within the immediate area. The Hollywood Town Board letter, dated April 12, 2016, states that "taking large areas of land out of agricultural production will have a negative impact on the Township and its economic base", thus being incompatible with the neighborhood.

THEREFORE, IT IS ORDERED THAT A CONDITIONAL USE PERMIT FOR A LARGE SOLAR ENERGY SYSTEM IS HEREBY DENIED ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A".

James Ische, Chair
Carver County Board

Dave Hemze
County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

PEER Award Recognition

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="5/17/2016"/>
Contact: <input type="text" value="Jacquelyn Hamre"/> Title: <input type="text" value="ER Business Partner"/>	Item Type: Regular Session <input type="text" value=""/>
Amount of Time Requested: <input type="text" value="15"/> minutes Presenter: <input type="text" value="Jacquelyn Hamre"/> Title: <input type="text" value="ER Business Partner"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government"/>	

BACKGROUND/JUSTIFICATION:

PEER Awards are the County's annual recognition of employees' hard work and exceptional contributions during the prior year of service. Employees within Carver County may recognize other employees for their significant work and contributions in making Carver County a great organization.

ACTION REQUESTED:

15 minutes to recognize the three recipients of the PEER Awards in the categories of Customer Service, Innovation, and Team Work. Each recipient will be given opportunity to speak.

FISCAL IMPACT: <input type="text" value="None"/> <i>If "Other", specify:</i> <input type="text"/>	FUNDING County Dollars = <input type="text"/> <input type="text"/> Total <input type="text" value="\$0.00"/>
FTE IMPACT: <input type="text" value="Increase budgeted staff"/>	<input checked="" type="checkbox"/> Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2016 - 3965

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Consent to Assignment of Sewer Pipe Easement

Primary Originating Division/Dept: <input type="text" value="Public Works - Parks"/>	Meeting Date: <input type="text" value="5/17/2016"/>
Contact: <input type="text" value="Marty Walsh"/> Title: <input type="text" value="Parks Director"/>	Item Type: <input type="text" value="Ditch/Rail Authority"/>
Amount of Time Requested: <input type="text" value="5"/> minutes Presenter: <input type="text" value="Marty Walsh"/> Title: <input type="text" value="Parks Director"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

In 2014, Carver County Regional Railroad Authority granted a permanent easement to the Metropolitan Council for its Carver Interceptor sewer line. The Metropolitan Council is now transferring the ownership and maintenance of the sanitary sewer pipe within the Easement to the City of Carver and will transfer the portion of the Easement with the City of Carver to the City as well. The Metropolitan Council and the City of Carver are requesting that the Carver County Regional Railroad Authority consent to the assignment of the Easement so a Consent is of record with the Quit Claim Deed.

ACTION REQUESTED:

Motion to approve the Acknowledgement of and Consent to Assignment of Linear Pipeline Easement and authorize the Board Chair to sign the agreement.

FISCAL IMPACT: <input type="text" value="None"/> <i>If "Other", specify:</i> <input type="text"/>	FUNDING County Dollars = <input type="text" value="\$0.00"/> <input type="text"/> Total <input type="text" value="\$0.00"/> <input type="checkbox"/> Insert additional funding source
FTE IMPACT: <input type="text" value="None"/>	

Related Financial/FTE Comments:

Office use only:

RBA 2016 - 3937

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Resolution to Continue TMDL Priority Sub-Watersheds and Direct Discharge Program for 2016

Primary Originating Division/Dept: <input type="text" value="Public Services - Planning & Water Mgmt"/>	Meeting Date: <input type="text" value="5/17/2016"/>
Contact: <input type="text" value="Paul Moline"/> Title: <input type="text" value="Manager PWM"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="5"/> minutes Presenter: <input type="text" value="paul moline"/> Title: <input type="text" value="PWM Manager"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

The Total Maximum Daily Load (TMDL) Implementation Plan for the Bevens, Carver, & Silver Creek Watersheds -- was approved by the State (MPCA) and the County Board in 2007. The implementation plan calls for a reduction of fecal load sources in the watersheds -- mainly agricultural manure source runoff and direct discharge SSTS (septic) systems. The County Board has approved a landowner incentive program for replacing direct discharge SSTS annually since 2008 which has proved successful (see attached map showing completed sub-watershed areas).

The staff is asking the Board to approve the direct discharge program for 2016 as recommended by the Carver County Water Management Organization (CCWMO) Citizens Advisory Committee. Funding for SSTS incentives was approved by the Board in the 2016 CCWMO budget. The attached map shows the proposed priority sub-watershed for 2016, and the [attached memo and resolution](#) provides further background.

Funding is derived from the CCWMO levy funds (for direct incentives) and state grants (for the loan portion).

ACTION REQUESTED:

Motion to adopt resolution continuing implementation of the SSTS direct discharge incentive program for 2015.

FISCAL IMPACT: <input type="text" value="Included in current budget"/> <i>If "Other", specify:</i> <input type="text"/>	FUNDING County Dollars = <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">CCWMO 2016 incentive</td> <td style="width: 30%; text-align: right;">\$50,000.00</td> </tr> <tr> <td>MN Dept of Ag Loan Func</td> <td style="text-align: right;">\$853,000.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$903,000.00</td> </tr> </table> <input type="checkbox"/> Insert additional funding source	CCWMO 2016 incentive	\$50,000.00	MN Dept of Ag Loan Func	\$853,000.00	Total	\$903,000.00
CCWMO 2016 incentive	\$50,000.00						
MN Dept of Ag Loan Func	\$853,000.00						
Total	\$903,000.00						
FTE IMPACT: <input type="text" value="None"/>							

Related Financial/FTE Comments:

SSTS Loan funds are derived from MN Dept of Agriculture revolving loan funds.

Office use only:

RBA 2016 - 3952



Carver County Water Management Organization

Planning and Water Mgmt Dept
Government Center - Administration Building
600 East 4th Street
Chaska, Minnesota 55318
Phone: (952)361-1820
Fax: (952)361-1828
www.co.carver.mn.us/water

Memo

To: County Commissioners

Thro: Tom Vellenga

From: Paul Moline, Planning & Water Management

Date: May 9, 2016

Re: PROPOSED 2016 DIRECT DISCHARGE SSTS COST SHARE PROGRAM

Cc: Dave Hemze

Enclosures: Priority Sub-Watershed Map

The Total Maximum Daily Load (TMDL) Implementation Plan for the Bevens, Carver, & Silver Creek Watersheds was approved by the state (MPCA) and the County Board in 2007. The implementation plan calls for a reduction of fecal load sources in the watersheds, mainly agricultural manure source runoff and direct discharge SSTS (subsurface treatment – or septic, systems). The County Board has approved a landowner incentive program for SSTS annually since 2008; it has proved successful.

PROGRAM ACCOMPLISHMENTS

SSTS Direct Discharge Program began in 2008 and has accomplished the following to date:

- **Total participants:** 304
- **Number in TMDL area:** 161
- **Number outside TMDL:** 142
- **Loans Taken:** 131
- **Enforcement action commenced & resolved :** none taken thus far
- **Remaining Pending action:** 3 from the last two years.

2016 PROPOSAL

The TMDL implementation plan is continuing in 2016 with funding directed by the Board in the 2016 WMO budget. The CCWMO Citizens Advisory Committee recommended the following priority areas for 2016: (See attached map)

- 1st Priority - Lake Waconia: W10 and W12
- 2nd Priority (if funds remain) – Carver Creek: (in order) CC19, CC11, CC9

2016 COST SHARE QUALIFICATIONS

Similar to previous years, incentive recipients must be voluntary with no previous trigger (*i.e.*, current enforcement, compliance inspection as a result of property transfer, complaint, or building permit).

1. Located in 2016 TMDL Priority Sub-Watershed – County will pay 25% of the SSTS replacement cost up to a maximum of \$2,000 per SSTS. In addition, the owner may apply for a low interest loan with up to a ten-year pay-back. Loan Amount - \$15,000 maximum. Volunteer by July 31, 2016 and have system installed by July 31, 2017. If voluntary participation not commenced, owner will be required to have a compliance inspection completed by September 30, 2016. If non-compliant, owner will need to replace system within ten months with NO COST SHARE and only a low-interest loan with four-year pay-back (as funds are available).
2. Located outside 2016 TMDL Priority Sub-Watershed – County will pay \$2,000 of the SSTS replacement cost. In addition, the owner may apply for a low-interest loan with a four-year pay-back (as funds are available). Loan Amount - \$15,000 maximum. No deadlines to volunteer first-come, first-serve approach until funds are depleted. Owner would be required to replace SSTS within ten months of completing Cost Share Form.

Payment will be issued to the SSTS contractor upon successful completion of the project (as determined by Environmental Services Staff).

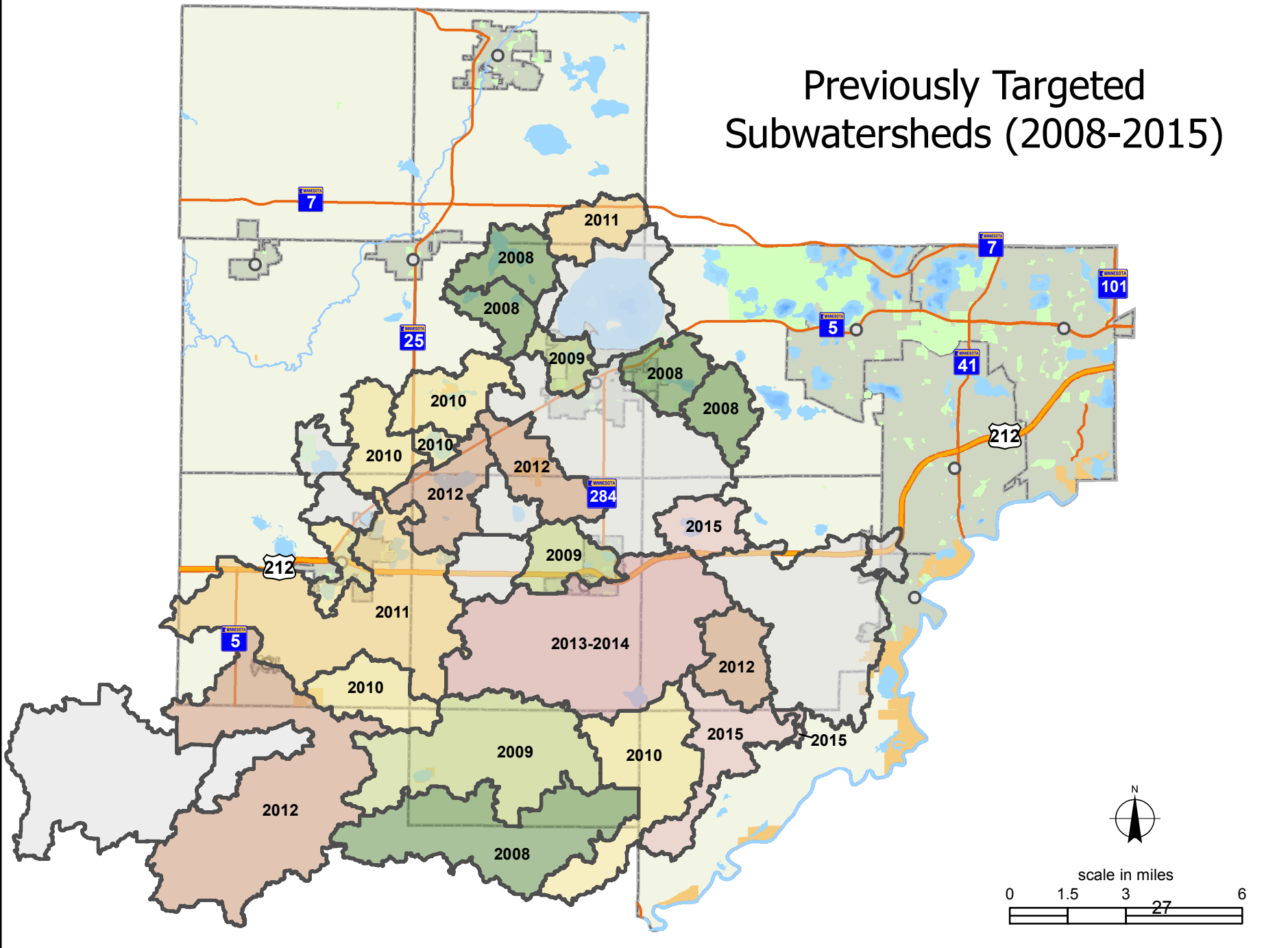
2016 FUNDING

Available Incentive Funds – 2016 CCWMO budget has the following available funds for SSTS direct discharge incentives

- Bevens/Carver Creek Priority Sub-watersheds - \$50,000

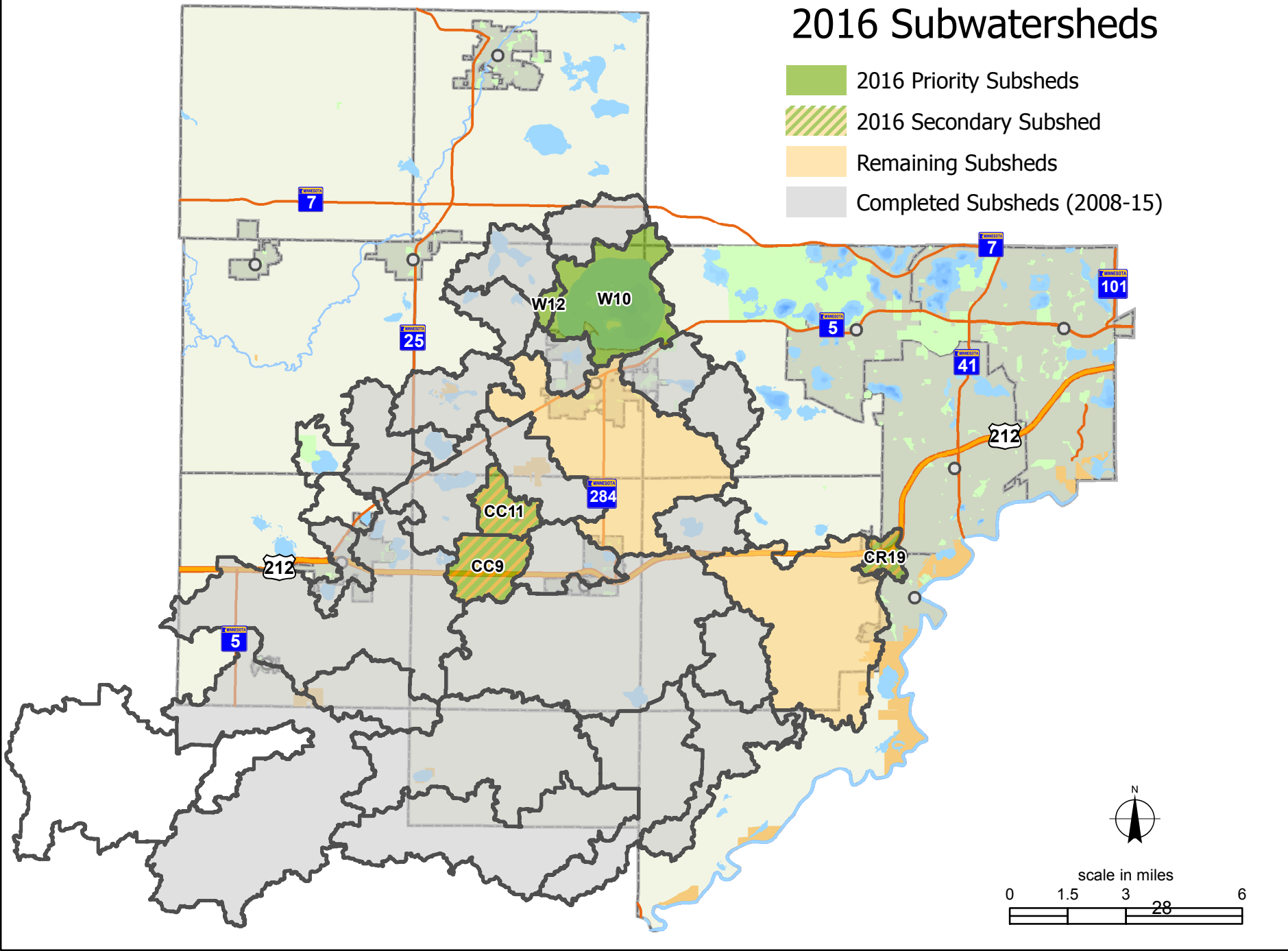
Available loan funds estimate: There is approximately \$853,000 available for loans in 2016, enough to fund 50 systems at the maximum loan amount.

Previously Targeted Subwatersheds (2008-2015)



2016 Subwatersheds

- 2016 Priority Subsheds
- 2016 Secondary Subshed
- Remaining Subsheds
- Completed Subsheds (2008-15)



**BOARD OF COUNTY COMMISSIONERS
CARVER COUNTY, MINNESOTA**

DATE: May 17, 2016
MOTION BY COMMISSIONER:

RESOLUTION NO. __-16
SECONDED BY COMMISSIONER:

**A Resolution Continuing the Elimination of Direct Discharge
Sub-Surface Treatment Systems (SSTS) Program**

WHEREAS approximately 4,500 homes and businesses in Carver County are served by a private sewer system on the property; of these systems, about 700 are in cities and 3800 lie in unincorporated areas; as of 2008, approximately 550 of the systems in the unincorporated areas were still served by systems that likely add little or no treatment of sewage prior to discharge into the surface water and are considered Direct Discharge Systems; and

WHEREAS Carver County is responsible for the management and regulation of SSTS in the County except in cities that have elected to assume responsibility; and

WHEREAS Carver County is responsible for water management, including water quality within the Carver County Water Management Organization (CCWMO); and

WHEREAS EPA and MNPCA regulations require that all lakes, rivers, and streams ultimately meet water quality standards; and

WHEREAS Carver County has conducted a Total Maximum Daily Load (TMDL) study for fecal coliform bacteria contamination in the Carver and Bevens Creek watersheds; the studies have found loads of fecal coliform bacteria substantially in excess of standards in these watersheds and further identified direct discharge of untreated human sewage into the waters of the State as a significant contributor to the load; the County subsequently developed a TMDL Implementation Plan to reduce the fecal coliform bacteria loads to meet standards; the County submitted the Plan to the Minnesota PCA and the US EPA; both agencies subsequently approved it for implementation; and

WHEREAS the Carver County Board of Commissioners has determined that it is necessary to institute a program to accelerate the replacement of Direct Discharge Systems in order to reach public health and water quality goals;

WHEREAS the Carver County Code gives the Board the authority to identify priority areas for SSTS compliance, including elimination of direct discharge systems, and to establish programs, including incentives and deadlines; and

WHEREAS the programs for SSTS Direct Discharge from 2008 through 2015 were largely successful in their goals; and

WHEREAS the 2016 sub-watersheds are identified with a total of 25 “likely systems;” and

WHEREAS the CCWMO Citizens Advisory Committee has recommended the 2016 SSTS Direct Discharge Program, funding, and sub-watersheds to the County Board;

THEREFORE, BE IT RESOLVED, THAT the Carver County Board of Commissioners hereby adopts the “Carver County 2016 Direct Discharge Elimination Acceleration Program” as follows:

Carver County 2016 Direct Discharge Elimination Acceleration Program

Part I. The County Board identifies sub-watersheds in the Carver and Bevens/Silver Creek watersheds as priority sub watersheds:

- 1st Priority - Lake Waconia: W10 and W12
- 2nd Priority (if funds remain) – Carver Creek: (in order) CC19, CC11, CC9

The County will provide a low interest loan with an amortization of up to 10 years and a cash grant of 25% of the cost of a new system up to \$2,000 for the upgrade of systems identified as a potential direct discharge system in the priority sub-watersheds. Owners of potential direct discharge systems in the priority sub-watersheds that have not been issued a permit to upgrade their system must volunteer by July 31, 2016, and shall be required to submit a Compliance Inspection to the County by September 30, 2016, and install the system by July 31, 2017.

Part II. For systems outside of Carver & Bevens Creek priority sub-watersheds, the loan funds and the cash incentive of \$2,000 will be available on a first-come, first-serve basis until allocated funds are depleted. For systems outside of the priority sub-watersheds, the owner would be required to replace SSTS within ten months of completing Cost Share Form.

Part III. Authorize the Finance Director, in cooperation with the Public Services Division, to continue to operate the current “safety net” loan program to assist property owners with extremely limited financial capability.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 17th day of May, 2016, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 17th day of May, 2016.

David Hemze, County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Well Sealing Cost-Share Program

Primary Originating Division/Dept: <input type="text" value="Public Services - Planning & Water Mgmt"/>	Meeting Date: <input type="text" value="5/17/2016"/>
Contact: <input type="text" value="Paul Moline"/> Title: <input type="text" value="PWM Manager"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="10"/> minutes Presenter: <input type="text" value="Charlie Sawdey"/> Title: <input type="text" value="Water Resource Program Speciali"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

In February of 2016, the Carver County Board of Commissioners adopted the Carver County Groundwater Plan. Included in this plan is a review of the existing Carver County Well Sealing Cost-Share Program. In an effort to enhance this program to ensure that qualifying abandoned wells within the county are sealed, the Carver County Water Management Organization staff is recommending an increase in the amount of funds available to property owners interested in participating. Further, per the criteria laid out in the revised cost-share language, the staff will market the program to property owners who are eligible.

ACTION REQUESTED:

-Motion to approve the revised Carver County Well Sealing Cost Share Program per the staff memorandum.

FISCAL IMPACT: <input type="text" value="Included in current budget"/> <i>If "Other", specify:</i> <input type="text"/>	FUNDING <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">County Dollars =</td> <td style="width: 30%;"></td> </tr> <tr> <td>MN Board of Water Soil F</td> <td style="text-align: right;">\$2,665.00</td> </tr> <tr> <td>Carver County Water Ma</td> <td style="text-align: right;">\$5,000.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$7,665.00</td> </tr> </table> <input checked="" type="checkbox"/> Insert additional funding source	County Dollars =		MN Board of Water Soil F	\$2,665.00	Carver County Water Ma	\$5,000.00	Total	\$7,665.00
County Dollars =									
MN Board of Water Soil F	\$2,665.00								
Carver County Water Ma	\$5,000.00								
Total	\$7,665.00								
FTE IMPACT: <input type="text" value="None"/>									

Related Financial/FTE Comments:

The 2016 budget includes \$2,665 in remaining dedicated BWSR grant funds and up to \$5,000 in CCWMO funds that are available for the well sealing cost-share. Future funds will be allocated from the CCWMO and/or from potential state grants.

Office use only:

RBA 2016- 3954



Carver County Water Management Organization

Planning and Water Mgmt Dept
Public Services Division
Government Center - Administration Building
600 East 4th Street
Chaska, Minnesota 55318
Phone: (952)361-1820
Fax: (952)361-1828
www.co.carver.mn.us/water

Memo

To: Carver County Board of Commissioners
From: Carver County Water Management Organization
Date: 5/09/2016
Re: Well Sealing Program
cc. Staff
Enclosures: Proposed Carver County Well-Sealing Cost Share Criteria

Background

Abandoned wells have been shown to be a threat to human and environmental health, as they provide a conduit for contaminated surface water and household hazardous waste to enter both surficial and bedrock aquifers. While state law requires that abandoned wells be sealed, many landowners fail to do so due to the associated cost. In 1999, the Carver County Board of Commissioners adopted a well sealing cost-share program that dedicated Board of Water and Soil Resources (BWSR) Natural Resource Block Grant (NRBG) funds to help defray the cost of sealing abandoned wells incurred by landowners. In addition to the funds allocated to the County by BWSR, the Carver County Water Management Organization (CCWMO) has used funds from its Landowner Conservation Program for many years to contribute to well sealing efforts within its administrative boundary.

Originally, the cost-share program paid abandoned well owners up to 50% of the sealing cost with a cap of \$250.00. This determination was made based on the average cost to seal a well in 1999, which averaged approximately \$500.00. The county has sealed 50 wells since the inception of the program. To date, this program has not been actively marketed and awareness by landowners has been raised largely word-of-mouth.

Proposal

The Board adopted the Carver County Groundwater Plan in February of this year. That plan contained the following implementation strategy:

1.3.B Review the Well Sealing Cost Share Program's cost-share structure to determine the program's efficacy as an incentive, and consider changes to the program as necessary.

With this in mind, the Planning and Water Management (PWM) staff and the Water Management Organization Advisory Committee (WMOAC) are recommending the following changes to the well sealing program.

- Raise the County cost share from 50% to 75%,
- Raise the cost cap from \$250 to \$750 to better reflect current well sealing costs, and
- Update the list of criteria to include sensitive surficial aquifers as identified by the Minnesota Department of Natural Resources (MNDNR) Atlas Part B, a comprehensive hydrologic atlas compiled for each county in Minnesota.

The aim is to garner more interest and offset rising costs associated with well sealing. It will also help staff to target properties in higher groundwater sensitive areas. Program criteria are listed on the following page.

Funding

The 2016 budget includes \$2,665 in remaining BWSR funds and up to \$5,000 in CCWMO funds that are available for the well sealing cost-share. Future funds will be allocated from the CCWMO or from potential state grants.

CARVER COUNTY WELL SEALING PROGRAM – May 2016

Eligibility: wells that are sealed prior to approval of an application by the County Board shall not be eligible for funding. It is not the intent of the Board to subsidize the sealing of wells that will be sealed as part of the normal course of life and business. Abandoned wells meeting one or more of the following criteria are eligible for participation in this program:

1. Wells that are a public safety hazard – large diameter open pit for example
2. Wells within 100' of an active feedlot
3. Wells within the 100-year floodplain
4. Wells in wellhead protection areas
5. Wells in industrial areas or in the right-of way of roads, railroads, or pipelines
6. Wells at unattended sites
7. Wells located within sensitive areas as identified by Geologic Atlas Part B
8. Multiple aquifer wells

Application: applications will be taken on forms developed by the County. Completed applications shall be submitted to the Planning and Water Management (PWM) Department. Applications not meeting at least one of the eligibility criteria listed above shall not be accepted.

Administration: the program shall be administered by the Planning and Water Management Department; applications shall be accepted on a rolling basis as long as funds are available. The Joint Agency group (made up of Planning and Water Management, Environmental Services, and Soil and Water Conservation District Staff) will make a recommendation to the County Board; the County Board shall have final approval authority.

Cost Share: the County will pay 75% of the sealing cost up to a maximum of \$750 per well; however, in cases where the cost is substantially higher and there is an imminent threat of contamination, staff will consider, and the Board may increase, County participation by percentage and/or amount of funding.

Payment: payment shall be made by Commissioner's claim upon submittal to PWM by the applicant of a sealing log and invoice.

Duration: the program shall operate so long as funds are available. The Board may, from time to time, appropriate additional funds and/or program operation.